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By

Kristina L. Konstas

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: YUHPYNG L. CHEN

Examiner: Jones, D.

APPLICATION NO.: 09/580,287

Group Art Unit: 1614

FILING DATE: May 30, 2000

TITLE: CORTICOTROPIN RELEASING  
FACTOR ANTAGONISTS

Commissioner for Patents  
Washington, D.C. 20231

**Communication in Response to September 27, 2001 Office Action**

Sir:

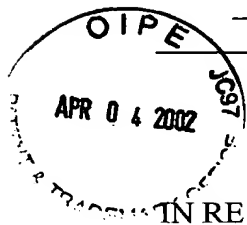
This Communication is submitted in response to the Office Action issued by the United States Patent and Trademark Office on September 27, 2001 in connection with the above-identified patent application. A response to the September 27, 2001 Office Action was originally due one month from the mailing date thereof, i.e. by October 27, 2001. Applicant is filing herewith a Petition requesting a five month extension of time for responding to the September 27, 2001 Office Action, whereby the due date for responding to said Office Action will be extended to March 27, 2002. The fee for the five month extension of time is authorized in said Petition. Accordingly, this Communication is being filed.

Claims 1-20 are pending in the subject application.

In the September 27, 2001 Office Action, the Examiner stated that the claims of the subject application should be restricted to one of the following Groups: I. Claims 1-15, directed to a compound; II. Claims 16 and 17, directed to a method of use; III. Claims 18-23, directed to a method of use; IV. Claims 24-29, directed to compounds. According to the Examiner, the claims of the aforementioned Groups are directed to distinct inventions.

The Examiner asserted that Groups I and II are related as product and process of use. According to the Examiner, the process of use of Group II can be practiced with a materially different product from the product of Group I, for example Prozac.

The Examiner asserted that Group I and II, III, IV are unrelated. The Examiner stated that the compounds of Group IV are structurally different from the compounds of Group I.



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The Examiner also stated that the methods of use of Group III are different from the methods of Group II. The Examiner furthermore stated that Group IV is supposedly separate and distinct from Groups II and III because the methods of Groups II and III can allegedly be practiced with another materially different product, for example the compounds of Group I.

In response, applicant elects the claims of Group I, claims 1-15, directed to compounds and compositions. Applicant traverses the restriction between the claims of Groups I and II. Applicant's traversal is because the U.S. Patent Office most typically permits an applicant to claim a method of use along with compounds in a single application.

The Examiner also stated that claims 1 and 2 are generic to a plurality of disclosed, supposedly patently distinct species. The Examiner required that applicant elect a single disclosed species. Furthermore, the Examiner asserted that claims 14-18 are generic to a plurality of disclosed, supposedly patently distinct species of disorders and required that applicant elect a single disclosed disorder.

The Examiner's remarks with regard to the species encompassed by claims 21 and 27 are rendered moot in light of applicant's election of Group I.

In response, applicant elects, with traverse, the title compound of Example 20, pages 55-56, of the subject application, namely butyl-[2,5-dimethyl-7-(2,4,6-trimethylphenyl)-6,7-dihydro-5H-pyrrolo[2,3-d]pyrimidin-4-yl]-ethylamine, and applicant elects the disorder "depression", with traverse. Applicant traverses the requirement to elect a single species because applicant should not be required to restrict the subject application to a single compound and a single disorder. Rather, applicant submits that the Examiner should follow the practice set forth in the MPEP whereby an Examiner examines further species should the elected species be deemed allowable.

Should a telephone interview be of assistance in advancing the prosecution of the subject application, the Examiner is kindly invited to telephone applicant's undersigned attorney at the number provided.

No fee, other than the fee for the five month extension of time, payment of which is authorized in the Petition filed herewith, is believed necessary in connection with filing this Communication. However, if any other fee is determined necessary in connection with filing this Communication, such additional fee may be charged to Deposit Account No. 16-1445.

Respectfully submitted,

Date:

March 27, 2002

Kristina L. Konstas

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